



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

JUN 23 2015

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7014 1200 0000 6124 0343

Mr. Dennis Mailes
Plant Manager
Dyno Nobel, Inc.
17562 Gum Road
Carthage, Missouri 64836

Re: **Request for Information Pursuant to Section 308 of the Clean Water Act (33 U.S.C. § 1318)**

Dear Mr. Mailes:

On August 11 - 15, 2014, a representative of the U.S. Environmental Protection Agency performed an inspection of the Dyno Nobel, Inc. facility to assess compliance with its National Pollutant Discharge Elimination System Permit No. MO0002402. The inspection was conducted under the authority of Section 308 of the Clean Water Act, 33 U.S.C. § 1318. A copy of the inspection report was sent to you on January 14, 2015. The purpose of this letter is to obtain additional information so the EPA can determine the facility's compliance with the CWA.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of any information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 *et seq.* Under the authority of Section 308 of the CWA, the EPA hereby requires Dyno Nobel, Inc. to provide the information requested in **ENCLOSURE 1 by July 15, 2015 to the address identified therein.**

Guidance on How to Respond

Please read the instructions included in ENCLOSURE 1 carefully before preparing your responses to this Information Request. Every submitted response to this request must be accompanied by a certification that is signed and dated by an authorized representative of the facility, as identified by 40 C.F.R. § 122.22. The certification must state that the response is complete and contains all information and documentation available to you relevant to the request. A Statement of Certification is enclosed with this letter (ENCLOSURE 2).

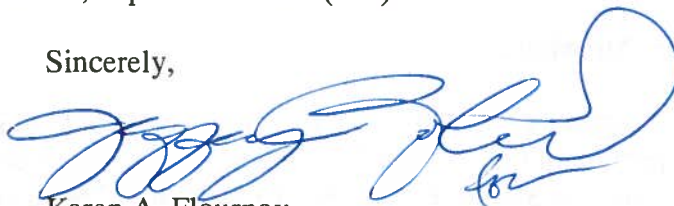
Important Information about This Request and the Response

Please be advised that the failure to respond accurately and within the stated timeframes, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Further note that the agency reserves the right to pursue appropriate enforcement actions under Section 309 of the CWA, 33 U.S.C. § 1319, including penalties, for violations of the CWA, including those discovered as a result of the agency's August 2014 inspection.

The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. Dyno Nobel, Inc. may assert a business confidentiality claim with respect to part or all of the information submitted to the agency under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, as further described in the enclosed instructions. The agency will consider and process such a request pursuant to such statutes and the agency regulations at 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the agency, it may be made available to the public by the agency without further notice to Dyno Nobel, Inc. Please note that pursuant to 40 C.F.R. § 2.302, effluent data, as defined therein, is not eligible for confidential treatment.

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Ms. Jodi Bruno, at phone number (913) 551-7810.

Sincerely,



Karen A. Flourney

Director

Water, Wetlands and Pesticides Division

Enclosures

cc: Paul Dickerson, Missouri Department of Natural Resources

INFORMATION REQUEST

Re: Dyno Nobel, Inc. Carthage, Missouri

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

I. Instructions

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is inaccurate, false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.
4. Certification. The Statement of Certification found in ENCLOSURE 2 must be submitted along with your responses every time a submission is made pursuant to this Information Request. This statement must be made by a person authorized to sign reports pursuant to 40 C.F.R. § 122.22(b). For your convenience, the text of 40 C.F.R. § 122.22(b) is included on ENCLOSURE 2.
5. Confidential Business Information. If you believe any of the requested information is confidential, you may assert a business confidentiality claim under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, and the regulations at 40 C.F.R. Part 2, and in the manner described at 40 C.F.R. § 2.203(b). Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
6. Accurate and Truthful Information Required. Compliance with this information request is mandatory. Please be advised that the failure to respond accurately and within the stated timeframes, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the Act for seeking, maintaining, or complying with an applicable NPDES permit.

ENCLOSURE 1

7. *Submission of Response to Information Request.* All responses to this Information Request must be submitted within the timeframes identified in Section II, below. Each response should be submitted in a manner that allows you to track delivery, and must be submitted to:

**Jodi Bruno
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
11201 Renner Boulevard
Lenexa, Kansas 66219.**

II. Requested Information

Please submit your response to this Information Request as directed below in Section II, to the address provided in Section I.

Note that except for a cover letter or memorandum and the Statement of Certification, 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disk in PDF, Word, Excel or other widely available electronic format.

Preliminary Information

1. In each submission required by this Information Request, identify the person to contact regarding your submission, including title, address and phone number.
2. Your responses to this Information Request are to be provided by a qualified professional. For each response required below, provide the name and credentials of the person(s) providing information in response to this Information Request.

Process Wastewater and Stormwater

3. Provide flow and sampling data from each discharge point, including all locations permitted and those not previously permitted, since January 1, 2011.
4. Provide a flow diagram for process, storm and sanitary wastewater.
5. For each wastewater treatment process, including BMPs, provide the design sizing (average and peak flow), physical dimensions of tanks and lagoons, volumes and estimated hydraulic retention times.
6. Provide the location where each product line discharges and its level of treatment.
7. Provide a map indicating all monitoring locations and describe all contributions to the flows measured at these points.
8. Describe any changes or modifications to the monitoring location or configuration or to the flow contributions since January 1, 2013.
9. Provide the location of all storm water discharge points, including any in-plant points which would:

ENCLOSURE 1

- a. direct process wastewater or wash waters to the storm water system rather than to the wastewater treatment facility, or
- b. direct stormwater to the wastewater treatment facility.

10. Provide a narrative description, as well as all supporting documents that describe any actions taken, plans, or investigations to identify the cause of effluent limit violations.

11. Provide a narrative describing any and all spills, releases, or bypasses of any substance including but not limited to; product, by-product, wastewater, process water, chemicals, and raw ingredients, from all areas of the facility from 2011 to present. In addition, provide all supporting documents that relate to these spills, releases, or bypasses.

12. Provide all reports or schedules of street sweeping in the facility, and all other documents pertaining to good housekeeping methods. In addition, provide a narrative statement describing the methods used in good housekeeping, and the frequency of such cleanup(s).

13. Provide all documents that describe the Best Management Practices of the facility, and any plans, or schedules pertaining to BMPs from 2011 to present. (BMPs shall encompass manufacturing processes as well as maintenance and management procedures that include, but are not limited to, material storage and handling, structural and non-structural controls, employee training, recordkeeping, cleaning procedures, water conservation, and spill prevention).

Analytical Procedures

14. Provide documentation that describes the analytical methods used and documented Quality Control Quality Assurance procedures used for all wastewater sampling and analytical equipment owned or operated by Dyno Nobel, Inc., as required by NPDES Permit MO0002402, Standard Conditions, Part I, Section A, number 2.

STATEMENT OF CERTIFICATION

(To be submitted with every response to the Information Request)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature

Date

Printed Name

Title

40 C.F.R. § 122.22(a). Signatories to permit applications and reports.

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).